

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**DESIGNATION FORM**

*(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)*

Address of Plaintiff: 175 King Ave Ewing NJ 08638

Address of Defendant: 9815 Roosevelt Blvd Suite A Philadelphia, PA 19114

Place of Accident, Incident or Transaction: 9815 Roosevelt Blvd Suite A Philadelphia PA 19114

**RELATED CASE, IF ANY:**

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_ Date Terminated: \_\_\_\_\_

Civil cases are deemed related when *Yes* is answered to any of the following questions:

- |  |                              |  |
|--|------------------------------|--|
| 1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?            | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

I certify that, to my knowledge, the within case ☐ is / ☒ is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 02/14/2020

  
Must sign here  
Attorney-at-Law / Pro Se Plaintiff

83362

Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ in one category only)**

**A. Federal Question Cases:**

- ☐ 1. Indemnity Contract, Marine Contract, and All Other Contracts
- ☐ 2. FELA
- ☐ 3. Jones Act-Personal Injury
- ☐ 4. Antitrust
- ☐ 5. Patent
- ☐ 6. Labor-Management Relations
- ☒ 7. Civil Rights
- ☐ 8. Habeas Corpus
- ☐ 9. Securities Act(s) Cases
- ☐ 10. Social Security Review Cases
- ☐ 11. All other Federal Question Cases  
(Please specify): \_\_\_\_\_

**B. Diversity Jurisdiction Cases:**

- ☐ 1. Insurance Contract and Other Contracts
- ☐ 2. Airplane Personal Injury
- ☐ 3. Assault, Defamation
- ☐ 4. Marine Personal Injury
- ☐ 5. Motor Vehicle Personal Injury
- ☐ 6. Other Personal Injury (Please specify): \_\_\_\_\_
- ☐ 7. Products Liability
- ☐ 8. Products Liability – Asbestos
- ☐ 9. All other Diversity Cases  
(Please specify): \_\_\_\_\_

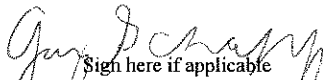
**ARBITRATION CERTIFICATION**

*(The effect of this certification is to remove the case from eligibility for arbitration.)*

I, Gary Schafkopf, counsel of record or pro se plaintiff, do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, § 3(c) (2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs:
- ☒ Relief other than monetary damages is sought.

DATE: 02/14/2020

  
Sign here if applicable  
Attorney-at-Law / Pro Se Plaintiff

83362

Attorney I.D. # (if applicable)

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

JS 44 (Rev. 02/19)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Johnny Fields and Anita Powell Williams Fields

(b) County of Residence of First Listed Plaintiff Mercer County NJ  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Schafkopf Law LLC, 11 Bala Ave Bala Cynwyd PA 19004; 610-664-5200  
Weisberg Law, 7 S. Morton Ave, Morton PA 19070; 610-690-0801

**DEFENDANTS**

Emcor Group Inc; Emcor Services Fluidics Inc, and Kenneth Shaffer

County of Residence of First Listed Defendant  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                        |
|---|---------------------------------------|---------------------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 USC 1981 and 1983

Brief description of cause:

Harassment, Discrimination and Hostile Work Environment

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE  
02/14/2020

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Johnny Fields et al	:	CIVIL ACTION
	:	
v.	:	
	:	
Emcor Group, Inc et al	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ( )
- (f) Standard Management – Cases that do not fall into any one of the other tracks. ☒

<u>2-14-2020</u>	<u>Gary Schafkopf, Esq</u>	<u>Plaintiff</u>
<b>Date</b>	<b>Attorney-at-law</b>	<b>Attorney for</b>
<u>610-664-5200</u>	<u>888-283-1334</u>	<u>gary@schaflaw.com</u>
<b>Telephone</b>	<b>FAX Number</b>	<b>E-Mail Address</b>

WEISBERG LAW  
Matthew B. Weisberg, Attorney ID No. 85570  
7 South Morton Ave.  
Morton, PA 19070  
610-690-0801  
Fax: 610-690-0880  
**Attorney for Plaintiffs**

Schafkopf Law, LLC  
Gary Schafkopf, Attorney ID No. 83362  
11 Bala Ave  
Bala Cynwyd, PA 19004  
610-664-5200 Ext 104  
Fax: 888-283-1334  
**Attorney for Plaintiffs**

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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**JOHNNY FIELDS**

175 King Ave  
Ewing, NJ 08638

and

**ANITA POWELL WILLIAMS FIELDS**

175 King Ave  
Ewing, NJ 08638

**Plaintiff**

v.

**EMCOR GROUP INC**

9815 Roosevelt Blvd  
Suite A  
Philadelphia, PA 19114

and

**EMCOR FACILITIES SERVICES**

**FLUIDICS INC**

9815 Roosevelt Blvd  
Suite A  
Philadelphia, PA 19114

and

**KENNETH SHAFFER**

9815 Roosevelt Blvd  
Suite A  
Philadelphia, PA 19114

and

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Civil Action No.

JURY TRIAL OF TWELVE (12)  
JURORS DEMANDED

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**JOHN DOES 1-10**

**Defendants**

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**CIVIL ACTION COMPLAINT**

**PARTIES**

1. Plaintiff, Johnny Fields, is an adult individual residing at the above captioned address. At all times material, Plaintiff was employed by the Defendant, EMCOR Services Fluidics Inc. as a Lead Diesel Technician. Plaintiff worked for Defendant from November 2018 to May 21, 2019.
2. Plaintiff, Anita Powell Williams Fields, is an adult individual residing at the above captioned address and is the wife of Plaintiff, Johnny Fields.
3. Defendant, EMCOR Group Inc is a corporation duly organized in the Commonwealth of Pennsylvania doing business at the above captioned address.
4. Defendant, EMCOR Facilities Services Fluidics Inc, is a corporation duly organized in the Commonwealth of Pennsylvania doing business at the above captioned address.
5. Defendant, Ken Shaffer, is an adult individual and employee of EMCOR Services Fluidics Inc doing business at the above captioned address.
6. Defendants, John Does 1-10, is a moniker/fictitious name for individuals and entities currently unknown but will be substituted when known, as affiliated, associated or liable hereunder for the reasons set forth below or inferred therefrom. Each of these parties are incorporated as Defendants in each and every count and averment listed above and below. Upon information and belief, Defendants, John Does, were agents, servants, workmen, or employees of Co-Defendant, liable to Plaintiff hereunder.

**JURISDICTION AND VENUE**

7. Jurisdiction over the matter is conferred upon the Court by 28 USC § 1331, as the cause of action arises under federal law. Supplemental jurisdiction over Plaintiff's state law claims is granted by 28 U.S.C. § 1367(a).
8. Venue is proper in this district as the facts and transactions involved in the discrimination complained of herein occurred in large part in Philadelphia Pennsylvania.
9. All conditions precedent have been satisfied. **Exhibit A**

#### **STATEMENT OF FACTS**

10. Plaintiff was hired as a lead diesel technician in November 2018.
11. Plaintiff was under the supervision of Defendant, Kenneth Shaffer, who was the site manager.
12. On Plaintiff's first day, Shaffer made an unusual remark upon meeting Plaintiff; Shaffer told Plaintiff that he had an African American grandson.
13. On or about February 12, 2019, Plaintiff was working on a forklift.
14. Plaintiff approached Shaffer with some questions about the forklift.
15. Shaffer told Plaintiff he did not have time to speak with him and had more important issues to take care.
16. Plaintiff confronted Shaffer stating that he felt Shaffer ignored him and brushed him off anytime Plaintiff attempted to speak to him about work related issues.
17. An argument ensued between Plaintiff and Shaffer in which Shaffer began yelling inches from Plaintiff's face and poking his finger into Plaintiff's chest.
18. Shaffer began calling Plaintiff names and stated, "there are two kind of black folks, one that eat chicken and one that eat watermelon, which on are you Johnny?"

19. Plaintiff walked away and immediately contacted Shaffer's supervisors and reported the incident to human resources.
20. Defendant EMCOR never investigated the incident Plaintiff was advised by Human Resources that the matter would be closed because each party gave conflicting accounts of the incident and there were no witnesses.
21. On or about April 15, 2019, Plaintiff discovered a leak with a fork lift.
22. Plaintiff went to Shaffer's office to discuss the issue and found Shaffer sitting in his office with another employee, "EJ."
23. Again, Shaffer was dismissive of Plaintiff's issue.
24. Plaintiff confronted Shaffer in front of EJ, asking why Shaffer was dismissive of him and his work-related issues and was disrespectful toward Plaintiff.
25. Shaffer jumped out of his chair yelling at Plaintiff, accusing Plaintiff of stating Shaffer was a racist to other employees and threatening to "kick his ass."
26. Plaintiff reported the incident to Human Resources.
27. On or about April 16, 2019, Plaintiff was suspended pending an investigation by EMCOR.
28. On or about May 21, 2019, Plaintiff received a phone call from EMCOR and a letter stating Plaintiff would be terminated pretextually due to EMCOR losing their contract with US Steel. **Exhibit B**
29. Upon information and belief Shaffer was not terminated.
30. The actions of Defendants have caused Plaintiff to suffer fear, distress, upset, and financial loss.

**STATEMENT OF CLAIMS**



**COUNT I**  
**CIVIL RIGHTS VIOLATION 42 U.S.C. § 1981 & 1983 -  
HARASSMENT, DISCRIMINATION AND HOSTILE WORK ENVIRONMENT ON  
THE BASIS OF RETALIATION ETHNICITY AND RACE**

31. The above paragraphs are incorporated herein by reference.
32. As a result of Defendant's actions as aforesaid, Defendant has denied Plaintiff the right to the same terms, conditions, privileges and benefits of his employment agreement with EMCOR, in violation of 42 U.S.C. § 1981.
33. Defendant has caused Plaintiff to suffer humiliation and embarrassment, emotional distress, and to sustain damages for which recovery of compensatory damages may be had pursuant to 42 U.S.C. § 1983.
34. Said hostile environment and discrimination against Plaintiff was pervasive and severe.
35. Said hostile environment and discrimination against Plaintiff has affected Plaintiff to his detriment.
36. Said hostile environment, discrimination and harassment would detrimentally affect a reasonable person under similar circumstances.
37. Said discrimination and harassment has caused a hostile work environment.
38. Said violations were done intentionally and/or knowingly with malice or reckless indifference and warrant the imposition of punitive damages.
39. As a direct and proximate result of Defendant's violation of 42 U.S.C. § 1983, Plaintiff has suffered the damages and losses set forth herein and has incurred attorneys' fees and costs.
40. Plaintiff is suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendant's discriminatory acts unless and until this Court grants the relief requested herein.



41. The wrongful acts and conduct of Defendants were done with deliberate indifference to the statutory and constitutional rights of Plaintiff.

**COUNT II**  
**VIOLATION OF TITLE VII**

42. The above paragraphs are hereby incorporated herein by reference.
43. By committing the foregoing acts of discrimination against Plaintiff, Defendants have violated Title VII.
44. Said violations were done with malice and/or reckless indifference and warrant the imposition of punitive damages.
45. As a direct and proximate result of Defendants' violation of Title VII, Plaintiff has suffered the damages and losses set forth herein and has incurred attorney's fees and costs.
46. Plaintiff is now suffering and will continue to suffer irreparable injury and monetary damages as a result of Defendant's discriminatory acts unless and until this Court grants the relief requested herein.

**COUNT III**  
**HOSTILE WORK ENVIRONMENT**

47. The above paragraphs are incorporated herein by reference.
48. The foregoing actions of Defendant created a hostile work environment that was severe and pervasive and that altered the terms and conditions of Plaintiff's employment.

**COUNT IV**  
**PHRA**

49. The above paragraphs are incorporated herein by reference.
50. Defendants', by the above improper and retaliatory acts, have violated the PHRA.
51. Said violations were intentional and willful.

52. As a direct and proximate result of Defendants' violation of the PHRA, Plaintiff has sustained the injuries, damages, and losses set forth herein and has incurred attorney's fees and costs.

53. Plaintiff is now suffering and will continue to suffer irreparable injuries and monetary damages as a result of Defendants' retaliatory acts unless and until the Court grants the relief requested herein.

54. No previous application has been made for the relief requested herein.

**COUNT IV**  
**Loss of Consortium**

54. The above paragraphs are hereby incorporated herein by reference.

55. As a result of the negligent, careless, and/or reckless acts of Defendants, Plaintiff, Rosemary Hannigan has been caused to suffer, and will continue to suffer in the future, loss of consortium, loss of society, affection, assistance, and conjugal fellowship, all to the detriment of Plaintiffs' marital relationship.

**WHEREFORE**, Plaintiff demands judgment in his favor and against Defendant in an amount in excess of \$75,000.00, together with interest, costs, punitive damages, attorney's fees and such other and further relief as this Honorable Court deems just, including equitable, injunctive relief.

**JURY DEMAND**

Plaintiffs hereby demand a jury trial as to all issues so triable herein.

Respectfully Submitted,

BY: /s/ Matthew Weisberg  
MATTHEW B. WEISBERG, ESQ

DATED: 2-14-2020

BY:   
GARY SCHAFFKOPF, ESQ

DATED: 2-14-2020

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# EXHIBIT A

EEOC Form 161-B (11/16)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Johnny L. Fields  
175 King Ave  
Ewing Twp, NJ 08638

From: Philadelphia District Office  
801 Market Street  
Suite 1300  
Philadelphia, PA 19107

☐

On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1001.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

530-2019-03523

Legal Unit,  
Legal Technician

(267) 569-9700

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

☐

More than 180 days have passed since the filing of this charge.

☒

Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.

☒

The EEOC is terminating its processing of this charge.

☐

The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:

☐

The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court **WITHIN 90 DAYS** of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.

☐

The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Jamie R. Williamson,  
District Director

11/26/2019

(Date Mailed)

Enclosure(s)

cc:

Krista Morse  
1700 Markley Street  
Suite 100  
Norristown, PA 19401

Barbara Rittinger Rigo  
LITTLER MENDELSON  
1601 Cherry Street, Suite 1400  
Philadelphia, PA 19102

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# EXHIBIT B



May 21, 2019

Johnny Fields  
175 King Avenue  
Ewing, NJ 08638

Dear Johnny:

This letter is to confirm our discussion today that your employment is terminated effective May 21, 2019.

Effective Tuesday, April 16, 2019 you were placed on a paid suspension pending an investigation into an altercation with a co-worker. Prior to the investigation concluding, our client, U.S. Steel, reviewed their contract and has terminated our services effective immediately. Consequently, your employment with us is terminated, as the position you held with us has been eliminated.

As a terminating employee, there are several issues related to your benefits of which you need to be aware.

**Payroll**

Your last pay, including any earned, but unused vacation hours will be paid to you on Friday May 31, 2019.

**Medical, Dental and Vision Coverage**

All Medical, Dental and Vision benefits will end on the last day of the month in which you terminate – May 31, 2019. You have the option to continue your Medical, Dental and Vision benefits according to the Consolidated Omnibus Budget Reconciliation Act (COBRA). You will soon receive information regarding benefit continuation from our COBRA administrator, ConnectYourCare. Please review the materials carefully as there are required 'reply by' dates.

**Employee Group Term Life Insurance/Dependent Group Term Life Insurance**

All Life Insurance coverage ends on the last day of the month in which you terminate (May 20, 2019); however, you have the option to convert your life insurance to an individual whole life policy and, under certain circumstances, to a term life policy, with the insurance company within 31 days following your termination date. You will be contacted directly by Sun Life Financial with the information needed to apply. For information about your insurance, please contact Sun Life at 800-247-6875 or visit their website at [www.sunlife.com/us](http://www.sunlife.com/us).

**Group Disability Coverage**

Your Short-Term and Long-Term Disability benefits end on last day of employment, May 20, 2019